

Procurement Law at a Glance: Emergency Construction Contracting

By Laura Antonuccio, for Gallagher & Kennedy, P.A.



Public contracts for construction or construction-related services are typically awarded through a traditional competitive process to the bidder who offers the best value or lowest price. Although this process is complex and often time-consuming, it serves the public interest by helping ensure that taxpayer dollars are spent wisely, fairly and transparently. However, because it does not always make sense to follow traditional procurement procedures, Arizona law authorizes alternative construction contract delivery methods.

“Emergency construction contracting” is just one of several alternatives available to those interested in doing business with the government, but deterred by the normal procurement process. Emergencies typically include unexpected events that damage government-owned facilities,

making it unsafe or impractical for the government to spend precious time soliciting and evaluating competitive bids for repairs. Instead, it is often in the public interest simply to hire someone to repair the damage right away.

Many public bodies in Arizona are authorized to deviate from the normal competitive process for emergencies, including the Arizona Department of Administration (ADOA), the Arizona Department of Transportation (ADOT), and most localities (cities, counties, etc.).

For example, ADOT is authorized to use emergency construction contracting when transportation facilities are damaged by extreme weather, natural disasters, explosions or other catastrophes, and the damage threatens public health, welfare or safety. The director of ADOT must first determine that it would be impracticable or contrary to the public interest to follow normal bidding procedures. And if normal procedures cannot be modified to serve the public interest, then the director is authorized to circumvent them. Either way, the director is required by law to [document](#) the emergency contract, and report it to the governor and transportation board.

Interested contractors should get on the government’s radar in advance. Schedule meetings with authorized

decision-makers, and let them know that you are capable of responding in emergency situations. Provide literature, contact information and references to help the government pre-screen your company. Do this even if you already contract with the government on a non-emergency basis so the government will understand the full extent of your company’s capabilities.

The sooner you make contact, the better. Although the monsoon and severe weather window may be closed in Maricopa County, other Arizona counties are on the precipice of severe winter weather. There is no time like the present to establish your company’s emergency response credibility. And if disaster strikes, do not wait for the phone to ring – call the affected public entities or stop by in person. Ask if your services are needed and demonstrate that you are ready and willing to do the job.

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Disclosure: This article is not legal advice or a substitute for legal counsel.

Mohave County Sheriff Seeking to Expand Mohave Valley Substation

By Jim Seckler for Mohave County Daily News

Building an additional jail cell to house female inmates went before the Mohave County supervisors yesterday.

The board of supervisors considered the construction of an additional jail cell at the Mohave Valley sheriff’s office substation on Vanderslice Road. There are currently two cells at the substation, one for male inmates before their first court appearances and one for inmates sentenced to work release time.

There are no cells to house female inmates before their first court appearance. Currently, female

inmates are transported to the county jail in Kingman.

The construction project would create two cells from an existing cell with one cell for females. The cell would include a toilet and sink and separate entrance to that cell.

The cost of the project would not exceed \$100K. The money would come from MCSO’s jail enhancement budget.

Read more at [Mohave Valley Daily News](#)

AZBEX Note: The results were not available at press time.